

The Honorable John H. Chun

FILED (DROP BOX)

MAY 04 2023

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA and STATE
OF WASHINGTON, *ex rel.* DENA R.
WALKER, and DENA R. WALKER,
Individually,

Plaintiffs,

v.

UNITED WOUND HEALING P.S.,

Defendant.

CASE NO. 3:19-cv-05945-JHC

FILED UNDER SEAL

Noted for Consideration on:
May 4, 2023

**GOVERNMENTAL ENTITIES' EX PARTE NOTICE OF INTERVENTION-IN-PART FOR
PURPOSES OF EFFECTUATING SETTLEMENT AND DECLINATION-IN-PART AND
APPLICATION FOR AN UNSEALING OF RELATOR'S COMPLAINT**

The United States and the State of Washington (collectively, the "Governmental Entities"), Defendant United Wound Healing, P.S. ("UWH"), and the Relator have concluded a final settlement to resolve the claims brought on behalf of the Governmental Entities in this action. Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), and the Washington State Medicaid Fraud False Claims Act, Wash. Rev. Code §§ 74.66.050(2)-(4), the Governmental Entities hereby notify the Court of their decision to intervene in part for the purpose of settlement and to decline in part, and

1 respectfully apply to the Court *ex parte* for an Order lifting the seal.

2 Specifically, the Governmental Entities intervene in this action with respect to the Covered
3 Conduct, as defined in Paragraph D of the Settlement Agreement executed among the parties on
4 May 3, 2023 ("Settlement Agreement"). The Governmental Entities decline intervention with
5 respect to all other claims alleged in this action apart from those based upon the Covered Conduct.

6 Under the terms of the Settlement Agreement among the parties, following UWH's initial
7 payment to the United States pursuant to the payment schedule set forth in the Settlement
8 Agreement, and UWH's payment to the State of Washington, the Governmental Entities and the
9 Relator will file a Joint Stipulation of Dismissal with respect to all claims brought on behalf of the
10 Governmental Entities.

11 In light of the Settlement Agreement reached among the parties, the Governmental Entities
12 do not presently intend to file a complaint in intervention but reserve the right to seek leave to file
13 such a complaint in the event that UWH does not completely pay the full settlement amount
14 consistent with the terms of the Settlement Agreement.

15 Accordingly, in anticipation of filing of a Stipulation of Dismissal, the Governmental Entities
16 request that this Court enter an Order, in the form herewith provided, which lifts the seal on the
17 Relator's Complaint, this Notice and Application, and all subsequent filings.

18 A proposed order accompanies this Notice and Application.

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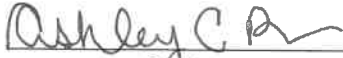
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1 DATED this 4th day of May, 2023.

2 Respectfully submitted,


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4 Attorney for the United States, Acting Under
5 Authority Conferred by 28 U.S.C. § 515

6 
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10 *Attorneys for the United States of America*

11 I certify that this memorandum contains 359
12 words, in compliance with the Local Civil Rules.

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14 Washington Attorney General

15  on behalf of
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